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MARINE CORPS DEFENSE SERVICES ORGANIZATION (JAD)
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IN REPLY REFER TO

1610

CDC

24 Apr 12

CDC Policy Memo 03-12

From: Chief Defense Counsel of the Marine Corps
To: Distribution List

Subj: FITNESS REPORT PROCESSING FOR MARINES ASSIGNED TO THE MARINE
CORPS DEFENSE SERVICES ORGANIZATION

Ref: (a) MCO P1610.7F w/ch 1-2
(b) MCO P5800.16A w/ch 1-6
(c) CDC PM 7-11 – Detailing and Individual Military Counsel Determination Authority

Encl: (1) DSO RO Worksheet Memorandum
(2) Authorized Billet Descriptions

1. Purpose. To establish standard procedures within the Marine Corps Defense Services Organization (DSO) for writing and reviewing Fitness Reports for Marines assigned to the DSO.

2. Discussion. As leaders, there is little that we do that has as long-lasting an impact on a Marine's career as writing Fitness Reports. Consequently, it is fundamentally important that we carefully, honestly, and consistently evaluate performance through the timely submission of Fitness Reports, as required by reference (a). Although the RS and RO are most responsible for ensuring the integrity of the system, all Marines who write, review, and receive Fitness Reports must work together to make certain that performance expectations are properly communicated between the RS and MRO. This communication begins when the RS and MRO professional relationship is first established and must continue throughout the process.

3. Policy. Fitness Reports will be written in strict compliance with reference (a) and will properly document observations and assessments of individual performance, personal qualities, character, and the potential to serve at a more senior level. All Fitness Reports submitted for Marines assigned to the DSO shall be submitted in a timely manner using the Automated Performance Evaluation System (APES) through Marine Online (MOL). All reports must be completed so that they arrive at Headquarters Marine Corps, Manpower Management Support Branch (MMSB) no later than 30 days after the end of the reporting period. To assist in meeting these requirements and to address the unique issues related to serving in the DSO, the following procedures are mandated.

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a. Submission Timelines.

(1) The MRO must provide a summary of billet accomplishments to the RS through the Marine Reported on Worksheet (MROW) seven days prior to the end of the reporting period. This summary will allow the MRO an opportunity to highlight significant events, awards, and professional military education accomplishments of which the RS may not be aware. The MROW will be forwarded electronically via APES.

(2) Unless adverse, the RS will complete and submit Fitness Reports to the Reviewing Officer (RO) within 14 days of the end of the reporting period. Each RS will provide the RO a DSO RO Worksheet Memorandum for every observed Fitness Report. Enclosure (1) offers an illustration of the format and the information contained in the DSO RO Worksheet Memorandum.

(3) Unless adverse, the RO will complete and submit Fitness Reports to MMSB within 30 days of the end of the reporting period.

b. Reporting Senior Responsibilities.

(1) The RS is the first officer in the reporting chain senior to the MRO. Within 14 days of the beginning of the reporting relationship with the MRO, the RS shall provide the MRO a copy of the MRO's billet description. The billet description will be discussed and amplifying instructions will be provided in order to ensure a clear understanding of the RS's expectations.

(2) Seven days prior to the end of the reporting period, the RS will ensure that a MROW is complete and that a Fitness Report is ready to be generated via APES on the MRO. As indicated above, upon completion of the Fitness Report, forward to the RO via APES and provide the RO with an electronic or hard copy of a completed version of enclosure (1).

(3) When writing reports on enlisted Marines, the RS is strongly encouraged to consult with the legal chief at their law center.

(4) The RS will complete the Fitness Report in a timely manner, counsel the MRO, discuss the respective marks, and answer any questions the MRO may have on markings and recommendations for growth or improvement.

c. Reviewing Officer Responsibilities.

(1) ROs will provide the experienced leadership, supervision, and detached point of view necessary to ensure consistent, accurate, and unbiased evaluations. The RO will closely scrutinize all reports prior to the timely forwarding to MMSB.

(2) ROs will ensure that they are specifically familiar with paragraph 2004 of reference (a). As the critical link in the reporting chain, I hold you directly responsible for implementing my intent and administering the guidelines contained in reference (a).

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d. Billet Descriptions.

(1) Billet descriptions will be standardized to the maximum extent possible. See enclosure (2) for authorized billet descriptions.

(2) There may be occasions when officers and enlisted personnel are assigned to the DSO for a limited period of time. The billet description will be the same for these personnel, though the RS will explain the limited time period in Section I of the Fitness Report.

e. Reporting Chain Restrictions.

(1) DSO members may not be the RS or RO for other DSO members who have clients with a conflict of interest with one of their clients. See paragraph 3 of reference (c).

(2) The RS and the MRO will not be the same grade unless approved in writing by the CDC.

(3) Except when the RS and RO are both colonels, the RS and RO will not be the same grade unless approved in writing by the CDC.

f. Fitness Reports During Periods of Transition When Defense Counsel Responsibilities Remain.

(1) When a member of the DSO departs for another assignment, but still has some remaining defense counsel responsibilities, the Marine will receive a Fitness Report with the reporting period ending the day before the officer begins their new assignment (for example, Legal Assistance Officer). The reporting occasion for these Fitness Reports shall be "Transfer (TR)." The Transfer Fitness Report shall contain the following directed comment: "MRO is changing billets and will be assuming duties as [new duty assignment] under a different RS; however, MRO still has remaining defense counsel responsibilities and will receive a simultaneous report authorized per para. 2010, MCO P1610.7F when those responsibilities are completed." These situations will usually only concern officer members of the DSO.

(a) The DSO member described in paragraph 4.f.(1) above will receive a final Fitness Report as a member of the DSO with an end date of the reporting period that coincides with the day that all remaining defense counsel responsibilities are complete. The reporting occasion for these Fitness Reports shall be "Change of Reporting Senior (CH)." The Change of Reporting Senior Fitness Report will be a simultaneous report as authorized by paragraph 2010 of reference (a) and Figure 2-1 of reference (b) and will contain the following directed comment: "This is a simultaneous report as authorized per para. 2010, MCO P1610.7F reporting MRO's successful completion of MRO's duties as defense counsel during the reporting period."

(b) The exact date when an officer completes all defense counsel duties is situation-dependent, based upon the number of clients and the administrative, non-judicial, and judicial corrective actions that each client faces. However, at a minimum, the following events must

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occur, as applicable, and each client must be counseled regarding their completion before defense counsel duties may be considered complete:

- i. Separation Authority Action on all enlisted administrative separation proceedings;
- ii. Submission of the Report of BOI by the Convening Authority to Higher Headquarters for all Boards of Inquiry;
- iii. Convening Authority Action on all special and general courts-martial cases; or
- iv. Negotiated settlement to a forum lower than a special court-martial, including withdrawal when applicable.

g. Adverse Reports. Adverse reports will be processed in accordance with Chapter 5 of reference (a). The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) will be the third officer sighter for all adverse officer reports. The CDC will be the third officer sighter for all adverse enlisted reports unless the CDC is in the reporting chain. The Deputy SJA to CMC will be the third officer sighter for adverse enlisted reports when the CDC is the RO.

4. Conclusion. The Policy Memo is effective immediately.



J. G. BAKER
Colonel, U. S. Marine Corps

Distribution List:
SJA to CMC
LAO of the Marine Corps
Legal Chief of the Marine Corps
Law Center Directors
Officers-in-Charge, Legal Services Support Sections
All Marines in the DSO



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Comment [P1]: Use Appropriate
Letterhead

IN REPLY REFER TO:

1611

RDC

13 Jun 2012

Comment [P2]: SSIC for Officers is
1611 and the SSIC for Enlisted is
1616.

From: Regional Defense Counsel, Western Region
To: Chief Defense Counsel

Subj: FITNESS REPORT IN THE CASE OF MAJOR I. M. MARINE, U.S. MARINE
CORPS (AN OCCASION; FROM 20110601 TO 20120531)

1. Date Submitted to APES. 13 Jun 2012.

2. Background Information.

a. Is the MRO PME complete for grade or currently enrolled? Yes, MRO completed U.S. Marine Corps Command and Staff College through the Distance Education Program.

b. Is MRO in zone for promotion? Yes, MRO is in zone for the next promotion board.

c. What is MRO's desired follow-on assignment? MRO seeks an operational law billet with forward deployed forces in the U.S. Central Command Area of Responsibility and to be looked for command when eligible.

3. Additional Information.

a. MRO's commitment to PME is illustrated by his willingness to volunteer to teach classes for the Expeditionary Warfare School Non-resident course aboard Base. Furthermore, MRO had two articles published during the reporting period: "How to PT and do PME While an SDC" in the Army Lawyer; and, "Leadership and Legal Service Support" in the Marine Corps Gazette.

b. MRO's ability to fulfill Senior Defense Counsel requirements while simultaneously being fully engaged in PME and other duties is an illustration of MRO's tireless work ethic. Moreover, MRO is able to maintain balance personally and professionally despite the demands that nine children have upon MRO and MRO's spouse.

c. MRO is a team builder and thrives as a mentor.

Enclosure (1)

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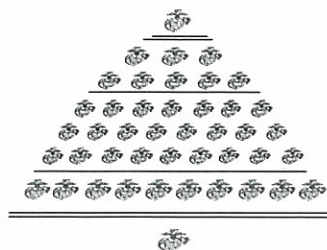
4. Reporting Senior's Profile for the Appropriate Grade.

RS High for Grade till this Report	5.0
RS Low for Grade till this Report	3.0
RS Avg for Grade till this Report	4.0
MRO Avg (this report)	4.0
For all reports of this grade I rank MRO	This is my 17th FitRep on a Major as an RS and MRO ranks 9 of 17

5. Recommended RO Comments. MRO is an outstanding MAGTF Officer and judge advocate. MRO set the conditions for success for his Defense Team while simultaneously obtaining excellent results for all of MRO's clients. MRO did a superb job fulfilling duties as Acting Regional Defense Counsel in the RDC's absence. MRO superbly assisted my office with the planning and execution of conferences and training events. A humble but incredibly capable professional, MRO is a valued and trusted member of the Defense Services Organization. MRO cares about his Team, our clients, works hard to support the mission, and makes a positive impact throughout the DSO. Highest Recommendation for Promotion, School, and Command.

6. Recommended RO Marks in the Comparative Assessment. My recommendation is highlighted below.

THE EMINENTLY QUALIFIED MARINE ☒ X of X
ONE OF THE FEW ☒ X of X
EXCEPTIONALLY QUALIFIED MARINES ☒ X of X
ONE OF THE MANY HIGHLY QUALIFIED ☒ X of X
PROFESSIONALS WHO FORM THE ☒ X of X
MAJORITY OF THIS GRADE ☒ X of X
A QUALIFIED MARINE ☒ X of X
UNSATISFACTORY ☐ X of X



7. Respectfully submitted.

/s/
I. M. REPORTINGSENIOR

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1. Regional Defense Counsel Example

- Leader of the Marine Corps Defense Services Organization for the Western United States, supervising field grade, company grade, and enlisted personnel located at six different offices. Responsible for ensuring that zealous, ethical and effective defense services are provided to servicemembers facing administrative, non-judicial, and judicial actions in order to help protect and promote the due process, statutory and constitutional rights of clients and servicemembers seeking counseling services.
- Lead and mentor subordinate personnel while conducting site visits, observing court cases, observing board hearings, reviewing written motions and work products, and ensuring the fulfillment of all Defense Services Organization training requirements.
- Manage resources and personnel; coordinating with SJAs, Law Center Directors, Legal Section OICs. Assign or approve the assignment of defense counsel to specific cases.
- Liaison with Convening Authorities, military judges, and investigative agencies.
- Fulfill reporting requirements to the Chief Defense Counsel of the Marine Corps.
- Represent senior ranking servicemembers and others at courts-martial and boards.

2. Defense Services Organization Regional Noncommissioned Officer-In-Charge Example

- Serve as Administrative Assistant to the Regional Defense Counsel for the Western United States; Responsible for: office reports; reporting requirements for cases and clients; support for the preparation and execution of training events; managing office calendar; liaison with government investigators, trial counsel, staff judge advocates, and commands relative to processing of cases; and, manage all office correspondence.
- Lead, supervise, train, & support all Marine Corps Defense Services Organization (DSO) enlisted personnel aboard 6 different offices serving the Western United States.
- Serve as Regional Defense Counsel Office Manager; Responsible for: managing an annual budget in excess of \$20,000.00; coordinating travel planning, execution, and travel claims; managing & maintaining DSO Defense Counsel SharePoint site; maintaining library, office records, information technology systems, communications equipment, and all supplies; liaison with higher headquarters; and, manage Government Vehicle.
- Serve as a paralegal assisting defense counsel with witness interviews, scheduling, investigative actions, legal research, & the creation of demonstrative exhibits.

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3. Senior Defense Counsel Example

-Leader of the Marine Corps Defense Services Organization (DSO) Office for MCAGCC 29 Palms, supervising subordinate judge advocates and Legal Services Specialists.

-Responsible for ensuring that zealous, ethical and effective defense services are provided to servicemembers facing administrative, non-judicial, and judicial actions in order to help protect and promote the due process, statutory and constitutional rights of both clients and for servicemembers seeking to obtain counseling services.

-Provide representation and zealous advocacy for servicemembers pending courts-martial, involuntary Administrative Separation proceedings, and Boards of Inquiry.

-Lead, supervise, and mentor subordinate personnel by: observing court cases and board hearings; reviewing written work products; Conduct PME and MOS training in order to fulfill all DSO training requirements; &, attend DSO Regional meetings and conferences.

-Manage resources and personnel; coordinate and liaison with SJAs, Convening Authorities, military judges, investigative agencies, & other DSO Offices and members.

-Assign defense counsel to specific cases; fulfill all DSO reporting requirements.

4. Defense Services Organization Office Non-Commissioned Officer-In-Charge Example

-Serve as Administrative Assistant to the Senior Defense Counsel for the [office name] responsible for: office reports; support for the preparation & execution of training events; managing office calendar; liaison with government investigators, trial counsel, staff judge advocates, & commands relative to processing of cases; &, manage all office correspondence.

-Assist the Senior Defense Counsel in fulfilling Defense Services Organization training requirements.

-Serve as an Office Manager: support management of annual budget; coordinate travel planning, execution, and claims; manage & maintain Defense Counsel SharePoint site; maintain library, office records, information technology systems, communications equipment; and manage and maintain all supplies.

- Serve as a paralegal assisting defense counsel with witness interviews, investigation, legal research, & the creation of demonstrative exhibits.

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5. Defense Trial Team Leader Example

- Leader of the Marine Corps Defense Services Organization (DSO) Defense Trial Team XX at Camp Lejeune, supervising subordinate judge advocates and Legal Services Specialists.
- Responsible for ensuring that zealous, ethical and effective defense services are provided to servicemembers facing administrative, non-judicial, and judicial actions in order to help protect and promote the due process, statutory and constitutional rights of both clients and for servicemembers seeking to obtain counseling services.
- Provide representation and zealous advocacy for servicemembers pending courts-martial, involuntary Administrative Separation proceedings, and Boards of Inquiry.
- Lead, supervise, and mentor subordinate personnel by: observing court cases and board hearings; reviewing written work products; Conduct PME and MOS training in order to fulfill all DSO training requirements; & attend DSO Regional meetings and conferences.
- Manage resources and personnel; coordinate and liaison with the Senior Defense Counsel, Regional Defense Counsel & other DSO Offices and members.
- Assign defense counsel to specific cases; fulfill all DSO reporting requirements.

6. Defense Counsel Example

- Plan, coordinate, and conduct defense of Marine and Navy clients facing special and general courts-martial, boards of inquiry, post trial hearings, and administrative separation boards.
- Provide legal counseling to personnel considered for NJP, courts-martial, pretrial confinement hearings, Competency review Boards, and situations in which Article 31b, UCMJ, rights are invoked.
- Organize and maintain comprehensive client case files.
- Research, draft, and argue legal pleadings in pretrial hearings, during courts-martial, post trial hearings, and during administrative discharge proceedings.
- Seek clemency from convening authorities and address errors in post-trial documents.
- Prioritize workload to meet all administrative obligations and court appearances.
- Correspond with Convening Authorities, judges, staff judge advocates, and prosecutors.

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7. Student Defense Counsel 4401 Example

- Help Defense Counsel plan, coordinate, and conduct defense of Marine and Navy clients facing special and general courts-martial, boards of inquiry, post trial hearings, and administrative separation boards.
- Help Defense Counsel provide counseling to personnel considered for NJP, courts-martial, pretrial confinement hearings, Competency review Boards, and situations in which Article 31b, UCMJ, rights are invoked.
- Assist in the maintaining comprehensive client case files.
- Research and draft legal pleadings in pretrial hearings, during courts-martial, post trial hearings, and during administrative discharge proceedings.
- Assist Defense Counsel with correspond with Convening Authorities, judges, staff judge advocates, and prosecutors.

8. Reserve Regional Defense Counsel Example

- Help the Regional Defense Counsel ensure that zealous, ethical and effective defense services are provided to servicemembers facing administrative, non-judicial, and judicial actions in order to help protect and promote the due process, statutory and constitutional rights of clients and servicemembers seeking counseling services.
- Provide input and feedback to Chief Defense Counsel on matters related to defense services throughout the Marine Corps
- Provide general guidance, training, mentoring, and assistance to all defense counsel assigned to USMC Bases and Stations located in the Eastern United States.
- Provide on-call assistance to all defense counsel in the region regarding research, motion practice, conflictions of interest, and professional responsibility
- Develop, review, edit, and provide training and education for all defense counsel assigned to the Marine Corps Defense Services Organization.
- Provide defense services to senior officers and enlisted Marines as necessary

9. Reserve Regional Training Officer Example

- Help the Regional Defense Counsel ensure that zealous, ethical and effective defense services are provided to servicemembers facing administrative, non-judicial, and judicial actions in order to help protect and promote the due process, statutory and constitutional rights of clients and servicemembers seeking counseling services.
- Develop training program and practical training exercises, in coordination with the Active duty and Reserve RDC-_____, to maintain the military justice proficiency of reserve and active-duty judge advocates in the _____ region
- Prepare course materials, in conjunction with the other Defense sub-det training officers, for the USMC Defense Services Organization training events.
- Prepare and draft references for publication in order to instruct the DSO on policies and procedures required by the Chief Defense Counsel.